



CITIZENS COMMISSION ON POLICE ACCOUNTABILITY

LAURA DOUGLAS
CHAIR

October 28, 2003

Mayor Jerry E. Abramson
Louisville/Jefferson County
Metro Government
601 West Jefferson Street
Louisville, Kentucky 40202

Chief Robert White
Louisville/Jefferson County
Metro Police Department
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Louisville, Kentucky 40202

COMMISSION MEMBERS

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Debra Basham
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Frank Espinosa, Jr.
Eric Graninger
Miguel Lagunas
Bill Stone

**RE: Recommendations from the Citizen's Commission on Police
Accountability following a Review of the James Taylor Investigation**

Dear Mayor Abramson and Chief White,

This letter contains the official recommendations of the Citizen's Commission on Police Accountability after its review of the investigative file in the James Taylor shooting.

Introduction

We want to begin by thanking you, Chief White and David Nicholson for the assistance you and your staffs provided throughout this process. Since our initial appointment and receipt of the Taylor investigative file, the Commission has devoted a total of eighteen (18) hours for training purposes and thirty seven hours (37) for meeting deliberations. In addition, individual Commission members have spent time outside of meetings and training sessions to review the multi-volume Taylor case investigative file and to otherwise prepare for Commission meetings. This has been a challenging process. However, our level of commitment and energy did not diminish as we worked diligently

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After reviewing the police investigation of the James Taylor shooting, we have concluded that there are no material weaknesses in the work done by the police investigators. That is, we found the work done by the numerous officers involved in the investigation to be conscientious. Nevertheless, given the number of witnesses interviewed, the number of officers actually conducting interviews, the volume of material that comprises the case file and the peculiar facts involved in this incident, we have certain recommendations we would like to make which are not only relevant to the case at hand but which also have an impact on police work in general. These recommendations concern the quality and adequacy of the investigation. Additional comments have been included with some of our recommendations to provide greater insight into the Commission's concerns.

It is our hope that these recommendations will help to prevent fatalities, where and when avoidable, and improve the effectiveness of our police force.

Recommendation I

Although the Commission acknowledges each individual officer's personal right, pursuant to state statute, to be legally justified in the use of deadly force if he/she believes his/her life is in danger, the Chief should issue a guidance document outlining the Department's position on those circumstances where an officer's use of deadly force is justified and urging use of deadly force as an option of last resort.

It's the Commission's understanding that earlier this year Chief White issued a guidance document focusing on the use of deadly force. Therefore, the Commission is aware that the Chief has already accomplished the action recommended here. However, we also believe it's important for the Commission to make a recommendation in support of the action the Chief has already taken. The value of such a document lies not merely in the clear guidance and instruction it provides to officers. Such a document also assures the community that its police department has an official position on the use of deadly force with which all officers are familiar.

Recommendation II

All police officers involved in a use of deadly force incident should be immediately tested after such incident for the presence of drugs and alcohol by a non-police affiliated laboratory. The results of the tests should be sent simultaneously to the Commonwealth Attorney's Office and the Louisville Metro Police Department (LMPD). These test results should become part of the internal and criminal (if applicable) investigation.

The Commission believes such testing will provide a definitive answer concerning the presence or absence of drugs and alcohol, thus preventing the spread of

misinformation. When used in this manner, drug and alcohol testing will serve to protect the reputations of the officers involved.

Recommendation III

As part of any investigation involving an officer's use of deadly force, the officer under investigation should have his/her history regarding violent incidents included in the investigation of the incident at hand.

Such information is pertinent when assessing the officer's conduct during any incident.

Recommendation IV

Create a template that defines elements of a complete investigation to be used when investigating an officer's use of deadly force. The investigation should include an examination of the relationships among all persons involved in the event investigated, including the relationship between the police and the witnesses who support the position of the officers investigated.

A check list would provide a guide or work plan for investigative officers. In addition, including such a document as the first page in any investigative file would provide a quick overview to Commission members of the number of witnesses interviewed, the identify of witnesses and the scenes examined.

Recommendation V

Training in non-lethal and less lethal force in management of persons with edge or close range weapons should be provided to all officers.

Such training would reinforce the appropriate use of non-lethal force.

Recommendation VI

The LMPD should adopt the same physical fitness standards, at a minimum, as those used by the Kentucky State Police, especially those standards that relate to officers' ongoing physical fitness.

This recommendation does not arise from the Commission's review of the Taylor investigation. Instead, it is based upon information presented to the Commission during our training sessions. While recruits must meet specific physical fitness standards in order to become officers, there are no ongoing reviews or physical fitness standards

officers must meet once they become members of the department. While many officers voluntarily maintain certain fitness levels, not all officers do. The Commission believes fitness standards benefit all officers and the community they serve.

Recommendation VII

All officers assigned to investigate use of deadly force incidents should receive additional training in interview skills with the goal being maximum proficiency.

Clearly, continual training in investigative techniques will result in investigations that are thorough and adequate.

Recommendation VIII

Video taping of all interrogations/questioning of all potential witnesses or interested parties should occur from the moment of engagement.

After reviewing the investigative file and interviewing the lead detective in the Taylor case, it became apparent to Commission members that preliminary conversations take place with individual interviewees prior to the time their statements are recorded. These preliminary conversations may include establishing the identity of the person being interviewed and a confirmation that they were, in fact, present at the scene. In addition, witnesses may be given the opportunity to provide a summary statement before their response is recorded.

Commission members believe it is important to record all statements provided by witnesses, even statements that can be described as preliminary. Moreover, we also believe it's important to provide a visual record of interviews rather than an audio record alone. A video tape of all interaction with witnesses from the moment of engagement provides a full record of the exchange between witnesses and the investigative officers.

Recommendation IX

While on duty, all officers should be required to carry on their person at least one less lethal weapon at all times (i. e. mace, asp, etc.)

Commission members are aware that Chief White has already instituted this recommended policy. However, we have included this item as one of our recommendations to show support for the action Chief White has taken.

Recommendation X

Examine procedures for controlling situations involving multiple participants.

Recommendation XI

Handcuffing techniques, pulling down techniques and all policies regarding the use of such police practices should be improved to minimize the ability of detainees to be mobile.

Recommendations XII

All officers should receive periodic training that focuses on persons with mental illness, individuals with developmental disabilities, substance abuse, and domestic violence.

Recommendations XIII

Given the growing diversity within the Louisville/Jefferson County Metro area, police officer training should be modified in order to require each officer to participate in mandatory, periodic diversity issues training.

Recommendation XIV

Evaluate current training facilities to ensure they have the capacity to provide appropriate access to training equipment, particularly the FATS machine, given the number of officers.

Recommendation XV

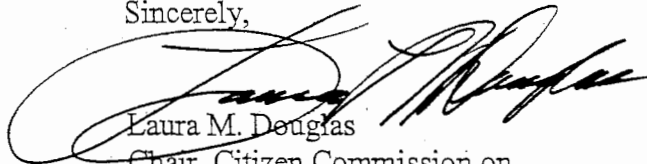
The LMPD should develop an annual certification in defensive tactics that is required for all police officers serving in the field.

Recommendation XVI

That the Department of Professional Standards maintain a database of all citizen complaints against an officer, all incidents involving use of force, and all incidents involving use of deadly force by an officer.

Thank you for your review and consideration of each of the recommendations listed herein above. Should you require additional information, please contact me at 627-2930. We look forward to receiving timely correspondence from you and Chief White regarding the implementation of the above recommendations. We recognize that the implementation of these recommendations may involve coordinating activity between several different agencies. We stand ready to assist, where appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura M. Douglas", written over the printed name.

Laura M. Douglas
Chair, Citizen Commission on
Police Accountability

Cc: Commission Members
Mr. David Nicholson